

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

AMANDA J. HERLING

PLAINTIFF

v.

Civil No. 07-5138

MICHAEL J. ASTRUE, Commissioner
Social Security Administration

DEFENDANT

ORDER

Plaintiff, Amanda Herling, brings this action under 42 U.S.C. § 405(g), seeking judicial review of a decision of the Commissioner of Social Security Administration (Commissioner) denying her claims for period of disability, disability insurance benefits (DIB), and supplemental security income ("SSI") pursuant to Titles II and XVI of the Social Security Act (hereinafter "the Act"), 42 U.S.C. §§ 416(i) and 423.

On April 23, 2008, plaintiff's counsel filed a motion to substitute Gary Herling, on behalf of A. H., a minor child, as plaintiff in this case. (Doc.# 11). The record indicates that plaintiff, Amanda J. Herling, died on August 3, 2007. (Doc.# 8-1). Counsel also moved to dismiss the appeal of the denial of Ms. Herling's SSI application, as there was no proper party for substitution. Then, on May 20, 2008, counsel filed an unopposed motion for extension of time to file her motion to substitute and renewed her motion to substitute. (Doc. # 13).

The motion for extension of time to file a motion for substitution and motion to substitute, as to plaintiff's DIB claim, are GRANTED and the clerk is hereby directed to substitute Gary Herling, on behalf of A. H., a minor child, as the plaintiff in this case in lieu of the current plaintiff, Amanda J. Herling. (Doc. #11, 13). Further, the appeal of Ms. Herling's SSI application is hereby dismissed, as there is no proper party for substitution.

It is ordered this 29th day of May 2008.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE